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REGULATORY INITIATIVES AT THE NATIONAL LEVEL

Note by the secretariat

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14 November 2007

**AN INVENTORY OF REGULATORY INITIATIVES AT THE NATIONAL LEVEL IN
THE FIELD OF INLAND TRANSPORT SECURITY**

DRAFT 2

**THE MULTIDISCIPLINARY GROUP OF EXPERTS ON INLAND TRANSPORT
SECURITY**

United Nations Economic Commission for Europe

Geneva

Foreword

In March 2007, the Inland Transport Committee of the UNECE established a Multidisciplinary Group of Experts on Inland Transport Security. The following report is a draft background document and contains a collection and summary of relevant regulations, initiatives, policies and legislation concerning inland transport security in the UNECE area. This information may serve as a foundation for future policy recommendations and/or amendments to existing legal instruments, with the overall objective of improving inland transport security.

Content was sourced from all documents available to the general public via the Internet.¹ The search was performed by experts trained to locate these documents and to present the material according to UNECE requirements.

The search focused on documents related to land transport security. This is to be distinguished from transport safety. Transport security involves the protection of infrastructure, goods and persons from deliberate attack or intent to cause damage. Transport safety is concerned with general safeguarding against any form of harm, whether it is a natural disaster, mechanical failure, or attack from an agent. As such, transport safety subsumes some aspects of transport security, but transport security is specifically focused on deliberate action.

Note that all translations are unofficial and were undertaken by the UNECE Secretariat. All Internet references were verified and valid as of 13 July 2007.

¹ Except Belgium, Russia and Ukraine as these countries have provided national contributions.

Methodology

A thorough search of national institutions was undertaken to find any regulations, initiatives, legislation, policy documents or official releases concerning inland transport security. The following is a summary of what was located in that search.

The majority of research was done on the Internet, with identical search procedures applied for each country. First, a general web search was performed with a search engine to identify starting points and possible focus areas for each country. The searches were carried out using combinations of the following terms: the nation's name, transport, security, legislation, regulations, initiatives, policy and law.

Secondly, government web sites were searched in a similar fashion, using search fields if provided. Specific government ministries were also searched in the same way, typically the ministry of transport, the ministry of defense and the ministry of the interior. Selected ministries were of course subject to the specific countries' government structure.

All documents relating in some way to transport security were recorded and a copy of them saved. These documents were further reviewed and those directly pertaining to inland transport security, and which might contribute to the report's objective, were included and summarized below.

Document Summaries

Albania

The Committee of Experts on Terrorism (Codexter), in their **Profiles on Counter-Terrorist Capacity: Albania**,² shows that transport security is incorporated in Albania's definition of and legislation concerning terrorism.

Excerpts from the **Profiles on Counter-Terrorist Capacity: Albania**:

“Article 230 of the Criminal Code defines *terrorist act* as a violent act against the life or health of people, against their personal freedom by kidnapping people or hijacking public transport, with the intention of seriously disturbing public order and instilling fear and uncertainty in the public, and is punishable by no less than fifteen years' imprisonment or by life imprisonment.” (Page1)

“On 15 July 2004, the Parliamentary Assembly adopted the Law on the Measures against Terrorism. This law was drafted in compliance with the UN resolutions and Council of Europe regulations on specific preventive and restrictive measures directed against persons or entities in the fight against terrorism. The law identifies areas such as police and judicial co-operation, transportation security, humanitarian assistance, economic and financial policy.” (Page 3) “[...] It is necessary to facilitate co-operation between law enforcement authorities, to strengthen border security, and to investigate suspect financial transactions.” (Page 4)

² The Committee of Experts on Terrorism (Codexter) Profiles on Counter-Terrorist Capacity: Albania, [http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight_against_terrorism/4_theme_files/country_profiles/CODEXTER%20Profiles%20\(2006\)%20Albania%20E.pdf](http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight_against_terrorism/4_theme_files/country_profiles/CODEXTER%20Profiles%20(2006)%20Albania%20E.pdf)

Andorra

Legislation in Andorra has focused primarily on training of personnel who will be involved with the transport of dangerous goods.

The **Avís del 9-3-2005 pel qual es vol procedir a la realització d'un curs de capacitació i d'un curs de reciclatge per a l'obtenció del certificat d'aptitud per a conductors de transport de matèries perilloses**³ states that transporters of dangerous materials must obtain a certificate of capacity through a formal course.

This is further elaborated in the **Avís del 16-4-2004 pel qual es vol procedir a la realització d'un curs de formació per a l'obtenció del certificat d'aptitud per a conductors de transport de matèries perilloses**.⁴

³ Avís Del 9-3-2005 Pel Qual Es Vol Procedir a La Realització D'un Curs De Capacitació I D'un Curs De Reciclatge Per a L'obtenció Del Certificat D'aptitud Per a Conductors De Transport De Matèries Perilloses,
<http://www.bopa.ad/bopa.nsf/c56341fced070c89c12566c700571ddd/a8aa1d65144f0fdb1256fc6002779ca?OpenDocument&Highlight=2,seguritat,transport>

⁴ Avís Del 16-4-2004 Pel Qual Es Vol Procedir a La Realització D'un Curs De Formació Per a L'obtenció Del Certificat D'aptitud Per a Conductors De Transport De Matèries Perilloses,
<http://www.bopa.ad/bopa.nsf/c56341fced070c89c12566c700571ddd/e4367d1d65314df8c1256e7d0021add2?OpenDocument&Highlight=2,seguritat,transport>

Austria

Austria's Transport Master Plan⁵ specifies the need for constant review and revision of the transport security policy. The strategic progress of Austria's transport policy would be assessed at appropriate intervals, about every five years. The aim is to make cautious readjustments, without fundamentally jeopardizing the security of planning which a development program of this kind is meant to guarantee. This constant evaluation allows the state to anticipate the population's transport needs while still actively considering security issues.

The Verordnung des Bundeskanzlers, mit der die sicherheitstechnischen und organisationsrelevanten Voraussetzungen für Verwaltungssignaturen geregelt werden (VerwSigV)⁶ proposes a number of protocols for the safety and security of the transport system. The overarching theme, however, is data and authorization verification of those involved in the transport of goods through digital or mechanical means.

The recommendations include:

- Methods of verifying signatures
- Use of authorization codes that are carefully guarded and maintained in secure databases
- Methods of updating databases of signatures and authorization codes
- Encoding of data containing signature or authorization code information
- Frequent testing of used devices for functionality

The Beförderung gefährlicher Güter, Pflichten von Beteiligten, Genehmigung, Ausnahmen, Gefahrgutbeauftragter, Sofortmaßnahmen, Meldungen von Ereignissen, Sicherung Pflichten von Beteiligten⁷ defines the responsibilities of the transporter, and of the loader of containers; requires appropriate paperwork and documentation to be maintained; and requires regulations for handling dangerous goods to be readily accessible to those working with them.

The Resolution by the Austrian Parliament Security and Defense Doctrine⁸ states that the availability of vital resources (such as food, energy and raw materials) and the protection of key infrastructures (such as communications and transport) should be ensured. State strategies should therefore be developed with regards to transport security, particularly in relation to foreign policy, defense policy and internal security.

⁵ Transport Policy in Austria, <http://www.bmvit.gv.at/en/verkehr/policy.html>

⁶ The Verordnung Des Bundeskanzlers, Mit Der Die Sicherheitstechnischen Und Organisationsrelevanten Voraussetzungen Für Verwaltungssignaturen Geregelt Werden, http://ris1.bka.gv.at/authentic/findbgbl.aspx?name=entwurf&format=html&docid=COO_2026_100_2_72782

⁷ The Beförderung Gefährlicher Güter, Pflichten Von Beteiligten, Genehmigung, Ausnahmen, Gefahrgutbeauftragter, Sofortmaßnahmen, Meldungen Von Ereignissen, Sicherung Pflichten Von Beteiligten, <http://www.bmvit.gv.at/verkehr/gesamtverkehr/gefahrgut/downloads/ggbg2005rev211.pdf>

⁸ Resolution by the Austrian Parliament Security and Defence Doctrine, http://www.austria.gv.at/2004/4/18/doktrin_e.pdf

The Bundesgesetz: Änderung des Eisenbahngesetzes 1957, des Bundesbahngesetzes und des Bundesgesetzes zur Errichtung einer „Brenner Basistunnel Aktiengesellschaft“⁹ defines a number of security methods to be considered.

The security methods address the following issues:

- The maintenance of rail infrastructure
- The transport of material by railway
- The attainment of common security goals with other European Commission member countries
- The establishment of security regulations and protocols

The law further discusses security and safety certificates, managements systems, and safety reports meant for use in the assessment of transport-related risks.

⁹ The Bundesgesetz: Änderung Des Eisenbahngesetzes 1957, Des Bundesbahngesetzes Und Des Bundesgesetzes Zur Errichtung Einer „Brenner Basistunnel Aktiengesellschaft,
http://ris1.bka.gv.at/authentic/findbgbl.aspx?name=entwurf&format=pdf&docid=COO_2026_100_2_46900

Belgium

Royal Decree of 19 July 2003 - Nomination of the members of the Ministerial Committee for Intelligence and Security

A Ministerial Committee for Intelligence and Security has been established by a Royal Decree of 21 June 1996. The Committee is chaired by the Prime Minister. In 2003, the Minister of Transport was appointed as a full member of the Committee, together with the Ministers of Justice, Foreign Affairs, Interior and Defence. Since then, the Minister of Transport is directly involved in the political decisions about security at governmental level.

Law of 19 December 2003 - Terrorist offences

This law, transposing the EU Council Framework Decision of 13 June 2002 on combating terrorism, introduces the concept of "terrorist offence" in the Belgian Law with specific penalties. A terrorist offence is the one intentionally committed against a country or an international organization with the aim of seriously intimidating a population, or forcing public authorities or an international organization to carry out or to abstain carrying out an action, or seriously altering or destroying the fundamental political, constitutional, economical or social structures of a country or an international organization. When they comply with this definition, the following offences related to inland transport are considered as terrorist offences:

- mass destruction of a transport infrastructure or system or causing floods in such an infrastructure or system, endangering people or causing considerable economical losses;
- unlawful seizure of any means of transport;
- transport of explosives;
- transport of nuclear or chemical weapons;
- threatening to commit any of the offences listed above.

Royal Decree of 26 January 2006 - Federal Committee for Railway Security - Intermodal dialogue on security

Inspired by the Federal Security Committees for Aviation and for Maritime Transport, a Federal Committee for Railway Security has been set up. This Committee makes proposals for a general policy for railway security to the federal government. It is preparing a global security plan for railways in Belgium. In order to achieve this, it ordered a study to determine the state of the art in railway security in Belgium, to prepare the framework of a global security system for the Belgian railways and to prepare an action plan to fulfill this framework. A communication and coordination plan was proposed as well.

At the same time an intermodal dialogue on security matters has been established between the Federal Security Committees respectively for Aviation, Maritime Transport and Railways.

Law of 10 July 2006 - Threat analysis

A new body, called OCAM (Organisme de Coordination pour l'Analyse de la Menace) has been created, formalizing an existing structure within the police forces, in order to collect all information related to security matters and to provide threat analyses to the Belgian authorities. A new element is the direct link between this body and support services, under which the Ministry of Transport, in order to facilitate the exchange of data and information. Through this link, all elements relevant for inland transport security will be directly gathered into a central data bank, together with all other data related to security, and analyzed. On the other hand, analysis of elements in other fields could be helpful for inland transport security.

Law of 5 February 2007 and Royal Decree of 21 April 2007 - Maritime Security

Although we decided to exclude maritime transport from the scope of our report, I mention this initiative that covers ports facilities security, as we decided to address maritime/ports linkages in a special annex. The "supply chain security" concept strengthens the importance of this linkage. Moreover port activities are sometime considered to be part of inland transport.

This law lays down the rules for maritime security in Belgium. It sets up a National Authority for Maritime Security, in charge of the general maritime security policy, and a local maritime security committee in each port. In each port, security levels have to be determined, security evaluations are to be made and security plans established. This work can be done by officially approved organizations.

The National Authority for Maritime Security took over the tasks of the former Federal Committee for Port Facilities security that had been set up in 2004.

Overall, Belgium aligns its transport policy with international standards, specifically with EU policies.¹⁰

The **Transport Situation in Belgium in 2005**¹¹ report states that traffic code and transport regulations were made more stringent with, amongst others, additional police and camera controls.

The **Transport Situation in Belgium in 2006**¹² report notes the same for 2006 but makes no remark on the specific impact on transport security.

The document **National and Regulatory Framework: National Policy**¹³ also comments on Belgian transport security.

¹⁰ Prepared by the UNECE secretariat

¹¹ Transport Situation in Belgium in 2005, <http://www.unece.org/trans/doc/transsitdocs/2005belgium.pdf>

¹² Transport Situation in Belgium in 2006, <http://www.unece.org/trans/doc/transsitdocs/2006belgium.pdf>

¹³ National and Regulatory Framework: National Policy, <http://www.nea.fr/html/rwm/rf/belgium.pdf>

Bosnia and Herzegovina

The EU Weapons Storage and Security Report of 2006¹⁴ deals with transport security for weapons transport. The report states that Bosnia and Herzegovina adheres to the RMDS/G guidelines, concerning security and storage of weapons. The guidelines' subsection on transport security recommends that national civilian legislation and military regulations be combined with international agreements such as ADR or RID.

The report notes that transportation of weapons should be planned and conducted as is customary for other valuable goods. Regulations for cargo verification and inspection mechanisms can help prevent illicit weapon transfers brought about by falsified transport documentation. The importance of documentation is emphasized, as is the need for emergency procedures.

A recent **Transport Sector and Security Brief**,¹⁵ produced by the Ministry of Civil Affairs and Communications, outlines the transport sector projects that were considered a "priority". It is important to note that none of these related directly to inland transport security, but rather focused on repair and renovation of transport infrastructure after the war.

¹⁴ The E.U. Weapons Storage and Security Report of 2006,
[http://www.seesac.org/resources/RMDS%2005.30%20Weapons%20Storage%20\(Edition%204\).pdf](http://www.seesac.org/resources/RMDS%2005.30%20Weapons%20Storage%20(Edition%204).pdf)

¹⁵ Transport Sector and Security Brief,
<http://wbln0018.worldbank.org/ECA/Transport.nsf/PrintView/43259d444655e22085256b3500706b53?OpenDocument&ExpandSection=4%2C3%2C2>

Bulgaria

The **National Strategy for Integrated Development of the Infrastructure of the Republic of Bulgaria and Action Plan for the Period 2006 – 2015**¹⁶ comments on the need for improved attention to security, especially for railway infrastructure. In line with the *White Paper: European Transport Policy for 2010: Time to Decide*,¹⁷ it recognizes the need for equal treatment of various transport types. It says a balance must be found between raising transport efficiency and complying with modern requirements for security and environmental protection.

The **National Strategy for Integrated Development of the Infrastructure** includes a number of subprojects to be undertaken. The Government will promote public private partnership as an alternative way of financing long-term development, reconstruction, modernization and maintenance of transport infrastructure.

¹⁶ National Strategy for Integrated Development of the Infrastructure of the Republic of Bulgaria and Action Plan for the Period 2006 – 2015, http://www.government.bg/fce/001/0162/files/StrategyNatInfra_EN.doc

¹⁷ White Paper European Transport Policy for 2010: Time to Decide, http://ec.europa.eu/transport/white_paper/index_en.htm

Canada

Canada not only has extensive transport security regulations, but the country has made these regulations readily accessible to the public through government Internet sites.

The **Canada Transportation Act**¹⁸ defines a number of regulations. The most prominent of these include:

- No person shall take or carry, into any car, train, vehicle or station owned or occupied by the company any loaded firearm, or any inflammable, corrosive or offensive article, substance, matter or liquid, or any substance, matter or liquid likely to explode or to become dangerous or offensive to any passenger or property.
- No person shall throw or drop from any car, train, or vehicle of the company any article or thing capable of injuring, damaging or endangering any person or property.
- Private carriages, automobiles, omnibuses, cabs, trucks, or other vehicles, while waiting at, in, or upon any station, wharf, or other property owned or occupied by the company, shall be stationed or parked in such place or places as may be directed by the station master, agent or constable, and every person having charge of such vehicles shall obey the directions of the station master, agent, or constable relating to the use of the company's premises.
- The company may summarily interfere, using reasonable force where necessary, to prevent violation of any of the provisions of these Rules and Regulations, or to enforce observance, and such interference shall not affect any penalty for which such person may otherwise be liable.

The **Railway Safety Act**¹⁹ outlines a variety of regulations pertaining to safety and security. These regulations invest authority in the appropriate government agency, the Governor in Council, to make any regulation:

- Respecting the operation or maintenance of line works, and the design, construction, alteration, operation and maintenance of railway equipment, which regulations may embrace, among other things, performance standards;
- The training of personnel, both before and after appointment to positions,
- Hours of work and rest periods to be observed,

With respect to security, the Governor in Council may create regulations respecting the security of railway transportation, may create emergency directives and may formulate further security measures if there is an immediate threat to safe railway operations or the security of rail transportation.

Surface transportation security is further addressed. The act states that Transport Canada has developed a two-year contribution program, Transit-Secure, targeted towards the high volume passenger areas of commuter rail and urban transit, with a focus on major urban transit systems and

¹⁸ Canada Transportation Act, <http://www.canlii.org/ca/sta/c-10.4/whole.html>

¹⁹ Railway Safety Act, <http://www.tc.gc.ca/acts-regulations/GENERAL/r/rsa/act/rsa.html>

equipment. This program will provide financial assistance to commuter and passenger rail and public transit operators to accelerate the implementation of new and enhanced security measures. In addition to Transit-Secure, Transport Canada and the Railway Association of Canada established a Memorandum of Understanding on rail security in 1997, which addresses:

- The implementation of security plans;
- Emergency plans to respond to threats against railway operations;
- The conduct of exercises to test those plans;
- The exchange of information, and;
- Reporting of security incidents.

Transport Canada has focused on building common understanding and capacity in the rail security sector. The intelligence-sharing network that Transport Canada established with rail operators in early 2004 has been expanded to include major high volume urban transit operators across the country. Regular communication is maintained through this network, including the sharing of information and best practices.

The document also reports that Transport Canada worked with federal and industry experts to complete a Threat Risk Assessment of the rail and high volume urban transit sector. Transport Canada is working with its partners to complete two important strategic initiatives to lay out policy and priority directions for enhancing transportation security in Canada: an overall rail and urban transit security policy review; and a broad, multi-modal “Transportation Security Strategy” to guide long-range planning and priority setting.

The government of Canada has worked closely with the provinces, and intelligence and law enforcement authorities, to monitor and assess road security-related concerns. According to the report, action has been taken to enhance security at strategic locations such as bridges and tunnels, and to increase awareness of security in the transportation of dangerous goods.

The Transportation of Goods Regulations SOR/86-1064²⁰ defines the following regulations for the transport of goods:

- If, as the result of an accident or other unforeseen event occurring in the course of transporting goods, a seal is damaged or broken, a container or conveyance is damaged or disabled and to preserve the goods they must be removed there from, or a conveyance is damaged or disabled and can no longer be used to transport the goods,
- The person transporting the goods shall forthwith report the accident or event, as the case may be, to the chief officer of customs for the area or place in which the accident or event occurred or the damage, break or disablement was discovered or to the nearest detachment of the Royal Canadian Mounted Police.

²⁰ The Transportation of Goods Regulations Sor/86-1064, <http://www.tc.gc.ca/tdg/clear/tofc.htm>

- In any case described, the goods being transported shall not be transferred to another conveyance or container unless the person who transports the transferred goods or who causes those goods to be transported complies with the requirements of these regulations; and in the case of goods transferred from a conveyance or container that is sealed, the transfer is conducted in the presence of an officer or a police officer who has been requested by the chief officer of customs to supervise the transfer, and the conveyance or container to which the goods are transferred is sealed with a seal issued or approved by the President.

Regarding records of the materials being transported, the regulations state:

- Every person who transports goods into Canada, or transports within Canada goods that have been imported but have not been released, shall keep all invoices, bills, accounts and statements, or a copy thereof, relating to the transportation of the goods
- In addition to these records, the owner or consignee of the goods shall keep the following records:
 - Records relating to goods delivered to the place of business;
 - Records relating to goods that are not delivered to the place of business because;
 - Names and addresses of terminals and warehouses owned or operated by the CSA carrier;
 - Lists of the CSA carrier's equipment used to transport the eligible goods, usage logs and maintenance records for that equipment, and records indicating whether that equipment is owned or leased;
 - The names of commercial drivers that the carrier employs who hold an authorization under those Regulations; and
 - The names and addresses of persons who own and operate transportation equipment and who have a written contract to provide their equipment exclusively to the CSA carrier.
- The records referred to shall be kept for a period of three years commencing on the 1st day of January of the calendar year following the calendar year during which the goods were transported.

Croatia

The **Screening Report: Croatia**²¹ indicates that Croatia has started to align its legislation concerning the requirements for tires, weights and dimensions of vehicles, roadworthiness tests, safety belts, and registration documents for vehicles. The report makes no direct statement concerning the level of harmonization of transport security with EU standards. However, the report does evaluate transport security in a variety of different areas.

Tunnel safety has not been incorporated into the national legislation. In order to follow the latest technical requirements, Croatia applied the Austrian guidelines for tunnel design (RVS) and will continue to apply them in the future.

Croatia considers the **Railway Safety Act** (OG 77/92, 26/93 and 100/04) to be partially aligned with Directive 2004/49 on Safety on the Community's railways. A new Railway Safety Act is under preparation to ensure full alignment by accession.

The Railway Safety Act provides for the establishment of regulatory structures, investigation methods and transparency in safety regulation. However, the independent bodies required by the relevant EU Directive have not yet been established, in particular concerning the national safety authority and the accident investigation body. Specific rules also apply regarding the requirements for executive staff, notably in terms of professional competence, health and rest periods, according to the Railway Safety Act and the ordinance OG 32/94 on executive staff in railway traffic.

²¹ Screening Report: Croatia,
http://ec.europa.eu/enlargement/pdf/croatia/screening_reports/screening_report_14_hr_internet_en.pdf

Cyprus

The Republic of Cyprus Implementation of U.N.S.C. Resolution 1540 (2004) National Report²² states that not only does the current legislation withdraw support from any non-state entity that attempts to develop, acquire, or transport nuclear, chemical or biological materials, but that it requires the states to enforce laws prohibiting any attempts to do so and grants the states the power to enforce such measures.²³ This includes measures and regulations for transporting such materials and for border controls.²⁴ According to the report, the Republic of Cyprus has enacted national rules and regulations for compliance with commitments and obligations.

Finally, the report advises that in accordance with their national legal authorities and legislation, and consistent with international law, states must to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

Memo/06/323, Commission Activities in the Fight against Terrorism, of the European Commission's Representation in Cyprus,²⁵ comprises a list of proposed legislation for Cyprus, including:

- The Proposal for a Council directive on the supervision and control of shipments of radioactive waste and spent fuel.
- The Proposal for a directive on security in the inter-modal transportation chain (transportation of goods).
- The Commission proposal for the 7th RTD Framework Program, which includes Security Research as a new theme.

²² The Republic of Cyprus Implementation of U.N.S.C. Resolution 1540 (2004) National Report, [http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0E877CF1D6EEF847C22571D3002546A3/\\$file/Cyprus%20Report%20-%20Res%201540.pdf](http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0E877CF1D6EEF847C22571D3002546A3/$file/Cyprus%20Report%20-%20Res%201540.pdf)

²³ Obligations under NPT, CTBW and CWC are enacted in Cyprus law. Law No. 3(III)/1998 establishes the offence of the development, production, supply, stockpiling, use and transfer of chemical weapons. Maximum penalty is 15 years. There are a number of measures in force to establish effective domestic controls including the Radiation Inspections and Control Service in the Department of Labour Inspection which operates a licensing system for ionizing radiation sources and relevant practices, including nuclear material.

Strict controls are also provided for under the Dangerous Substances and Major Hazards legislation of the Department of Labour Inspection. For the more effective control of these materials the Department of Labour Inspection is in close collaboration with the Customs and Excise Department

²⁴ The control and checks on the exportation of sensitive goods is the responsibility of the Department of Customs and Excise. Customs officers are empowered by Customs legislation to check whether the goods to be exported are subjected to an export license and to verify that it corresponds to the goods that are to be exported. The legal basis for the enforcement of import and export control is Customs Code Law No. 94(I) of 2004 together with other national legislation providing for prohibitions and restrictions on the import and export of sensitive goods. In addition to the existing mechanisms and in order to exercise more effective controls in the movement of certain goods a Special Anti-smuggling Team was set up in July 2002 by the Customs and Excise Department at Limassol Port.

²⁵ The European Commission's Representation in Cyprus, <http://www.delcyp.cec.eu.int/en/news/060911b.htm>

Security Research is composed of vertical priorities and cross cutting priorities:

- *Vertical priorities*
 - Protection against terrorism and crime: delivering technology solutions for threat awareness, detection, prevention, identification, protection, neutralization and containment of effects of terrorist attacks and organized crime.
 - Security of infrastructures and utilities: analyzing and securing existing and future public and private critical/networked infrastructure (e.g. in transport, energy, ICT), systems and services (including financial and administrative services).
 - Border security: focusing on technologies and capabilities to enhance the effectiveness and efficiency of all systems, equipment, tools and processes required for improving the security of Europe's land and coastal borders, including border control and surveillance issues.

- *Cross cutting priorities*
 - Security Systems Integration and Interoperability.
 - Technologies to enhance interoperability of systems, equipment, services and processes.
 - Organization, protection of confidentiality and integrity of information, traceability of transactions, and processing.
 - Security and Society.
 - Socioeconomic aspects related to crime, perception of security, ethics, privacy, and society.
 - Foresight, safeguarding of privacy and liberties, vulnerabilities, new threats, management and impact assessment of consequences.
 - Security Research Coordination and Structuring Coordination of security research efforts, development of synergies (civil/security/defense), legal conditions, and use of infrastructures.

Czech Republic

The **Security Strategy of the Czech Republic**²⁶ states that the Czech Republic coordinates its security policy with NATO and that it helps develop the common foreign and security policies of the European Union. This policy document also affirms the country's preoccupation with containing acts of terrorism and controlling the proliferation of weapons of mass destruction.

The Czech government policy is preventive. Described as a pre-emptive action, the focus is to identify and prevent any threat to security before it can develop into an attack on civil or public targets. One aspect of this policy is to minimize the Czech Republic's economic dependence on supplies from economically or politically unstable regions, where threats to transport security are greater. To do so, the government aims to:

- Diversify the sources and transport routes.
- To pursue industrial, energy and raw material policies that would reduce energy and raw material consumption in the Czech economy.
- To minimize the economic impacts of delays in raw material supplies.
- To support the development of the defense industry.

²⁶ Security Strategy of the Czech Republic, <http://www.czech.cz/en/czech-republic/politics/international-relations/foreign-policy/security-strategy-of-the-czech-republic/>

Denmark

Denmark wishes to achieve the highest possible level of security within transport. To do so, it has passed a variety of legislations to ensure a greater safety of transport infrastructure. These laws include regulations requiring or allowing that:

- All railway organizations must have clearance from the Danish government regarding their infrastructure to make sure it conforms to Danish and international security standards.
- Only a select number of people are to be approved to operate Danish trains.
- The *Trafikministern* (Traffic Minister) is permitted to discontinue any railway organization deemed unfit to continue due to a lack of conformity to Danish security standards and measures.
- The *Trafikministern* is permitted to alter laws concerning transport procedures and the goods being transported.
- Railway companies must satisfy security standards and regulations stipulated by the law.
- All personnel placed within the organization's key positions concerning security/safety must have appropriate qualifications.

Finland

Legislation in Finland addresses a variety of transport security issues.

The Government Decree of the Safety Advisor for the Transport of Dangerous Goods by Rail and Road²⁷ provides for the post of a safety advisor, whose responsibilities include verifying that operators implement a feasible security plan. Responsibilities also include regulation and training of employees as well as handling any incidents occurring during the transport of dangerous goods. As such, an overseer is appointed with the authority to monitor transport security of the operating company and anticipate possible issues on a case-by-case evaluation.

The Transport of Dangerous Goods Act²⁸ was enacted to prevent and avert any damage or hazard that may affect the transport of dangerous goods. It states that parties directly involved with the transport of dangerous goods should be responsible for their safety and security. Carriers should ensure all vehicles are sufficiently staffed and that vehicles used for transport of dangerous materials be in good condition. Personnel must be adequately trained and evaluated on competence, and drivers must attain driving certificates in compliance with transport regulations. For each shipment containing dangerous goods, documents must be prepared for inspection, detailing the nature of the goods being transported and the danger involved in their transport.

Supply chain security is also addressed by the Act and providing for the government to establish provisions and regulations for dangerous goods' storage.

Other decrees cover certain aspects of transport security indirectly:

- **The Government Decree of Transport of Dangerous Goods by Road**²⁹ is notable for addressing routing restrictions in transport.
- **The Government Decree of Transport of Dangerous Goods by Road of 2002**³⁰ and **the Government Decree of Transport of Dangerous Goods by Rail**³¹ require specific training of those transporting dangerous materials.
- **The Decree on a Driving Certificate of Vehicles Carrying Dangerous Goods**³² requires drivers to attain an ADR certificate prior to operation of any vehicle transporting dangerous goods.

²⁷ The Decree on a Driving Certificate of Vehicles Carrying Dangerous Goods,
<http://www.finlex.fi/fi/laki/kaannokset/1998/en19981112.pdf>

²⁸ Act on Transport of Dangerous Goods, <http://www.finlex.fi/fi/laki/kaannokset/1994/en19940719.pdf>

²⁹ The Government Decree of Transport of Dangerous Goods by Road,
<http://www.finlex.fi/fi/laki/kaannokset/2002/en20020194.pdf>

³⁰ The Government Decree of Transport of Dangerous Goods by Road of 2002,
<http://www.finlex.fi/fi/laki/kaannokset/2002/en20020277.pdf>

³¹ The Government Decree of Transport of Dangerous Goods by Rail,
<http://www.finlex.fi/fi/laki/kaannokset/2002/en20020195.pdf>

³² The Decree on a Driving Certificate of Vehicles Carrying Dangerous Goods

France

With respect to transport safety in general, the focus in France appears to be on driver awareness of dangers as suggested in the *ACTEURS Research Programme: Improving the Ties between Tunnels / Operators / Users to Reinforce Safety Presentation Pack*³³.

³³ ACTEURS Research Programme: Improving the Ties between Tunnels / Operators / Users to Reinforce Safety Presentation Pack
http://www.securiteroutiere.gouv.fr/IMG/pdf/RR2_go4_acteurs_securite_tunnel_synth_2006_07_eng.pdf

Germany

The Vertragsbedingungen für den Güterkraftverkehrs- und Logistikunternehmer³⁴ declares the sender of any dangerous good to be responsible for the correct and valid documentation for the shipment as well as for ensuring regulations are adhered to. Violation of transport policies is subject to high fines.

The Verordnung über den grenzüberschreitenden Güterkraftverkehr und den Kabotageverkehr³⁵ makes no note on security.

The Straßenverkehrsgesetz³⁶ further elaborates on procedures for transport. It stresses the suitability of machinery used in transport and the need for appropriate personnel.

The Güterkraftverkehrsgesetz³⁷ stresses again the need for adequate documentation and authorization. It requires that certification verifying fulfilment of safety, technical and environmental protocols be maintained with the transporter during the transport. This document must be produced upon demand.

The Gesetz über die Beförderung gefährlicher Güter³⁸ extends this demand for adequate paperwork for shipments of dangerous goods, stating that if the documentation is not produced, the transport can be delayed until the documents are produced, or until it can be demonstrated that the shipment satisfies the appropriate security and safety requirements. The law also states that regulations should be clearly explained by the appropriate authorities.

Finally, the department of transport is given additional authority to supervise shipments and transport regulations. **The Beschlussempfehlung und Bericht des Ausschusses für Verkehr, Bau und Stadtentwicklung of 2006**³⁹ provides for a Rail safety advisor, who is to inform the appropriate authorities of safety and security issues in the railway infrastructure.

³⁴ The Vertragsbedingungen Für Den Güterkraftverkehrs- Und Logistikunternehmer,
<http://www.transportrecht.org/dokumente/VBGL.pdf>

³⁵ Verordnung Über Den Grenzüberschreitenden Güterkraftverkehr Und Den Kabotageverkehr,
http://www.transportrecht.org/dokumente/KabotageVO_04.pdf

³⁶ Straßenverkehrsgesetz, <http://bundesrecht.juris.de/bundesrecht/stvg/gesamt.pdf>

³⁷ Güterkraftverkehrsgesetz, http://www.transportrecht.org/dokumente/GueKG%209_04_01.pdf

³⁸ Gesetz Über Die Beförderung Gefährlicher Güter, <http://www.transportrecht.org/dokumente/GGBefG02.pdf>

³⁹ Beschlussempfehlung Und Bericht Des Ausschusses Für Verkehr, Bau Und Stadtentwicklung of 2006,
<http://www.bundestag.de/ausschuesse/a15/berichte/16-3554.pdf>

Greece

The Presidential Decree No. 158,⁴⁰ which aligns Greek legislation with Directive 2004/51/EC of the European Parliament, concerns the development of communal railways and links Greek rail infrastructure to EU railway systems. Under this decree, all railway undertakings shall have access to tracks and supply of services, in the terminals and ports linked to rail activity, in a non-discriminatory and transparent manner.

The decree further stipulates that any railway undertaking engaged in rail transport services shall conclude the necessary administrative, technical and financial agreements with the infrastructure managers of the railway infrastructure used. Security provisions would thus be a requirement under this Act, as rail transport from Greece to an EU zone must adhere to EU standards.

⁴⁰ Presidential Decree No 158, <http://ec.europa.eu/transport/rail/countries/el/doc/el-2004-51-en.pdf>

Hungary

The ECMT seminar of 1996 produced an evaluation of **Privatization and Transport Regulation in Hungary**,⁴¹ which indicates that Hungary's transport police focused on quotas of licenses, road connections, and "favourable conditions". Operators' licenses were granted on the basis of professional reliability, competence, and financial solvency. Security concerns in this document were minor.

⁴¹ Privatization and Transport Regulation in Hungary, <http://www.gksoft.com/govt/en/hu.html>

Ireland

It appears that transport regulations are largely left to the individual companies handling the transport of goods.

Israel

The **Order on Movement and Travel**,⁴² dealing with the transport of Palestinians in Israeli vehicles, was the only legal source located for Israel land transport security. The order states:

...an Israeli will not transport in an Israeli vehicle within the area a person who is not Israeli, except for according to a permit given to him or given to the person who is not Israeli by a military commander or someone empowered by him to do so.

The remainder of the order outlines exceptions given to those who have obtained the correct permit or those who are authorized to operate a bus, in which Palestinians are to be transported. Enforcement is entrusted to the Israeli army, which is given extensive authority in enforcing the act.

Documents concerning transport of dangerous goods by ship were also found. However, they related to transport security by significantly defining the acceptable transport containers, as well as regulations for loading and unloading from vessels. Security of the transport chain at one end is thus thoroughly addressed. Diagrams were included for the container specifications, as well as a division between explosive-transporting containers and non-explosive transporting containers.

The **Local Outline Plan of Jerusalem**,⁴³ produced in 2000, is does not mention transport security, although it attempts to address the infrastructure as a whole.

⁴² Order on Movement and Travel (Restriction of Travel in Israeli Vehicle),
<http://www.yesh-din.org/site/images/Military%20order%20-%20eng.pdf>

⁴³ Local Outline Plan of Jerusalem,
http://www.pcc-jer.org/arabic/Publication/jerusalem_master_plan/engchapt/infrastructure_16.pdf

Italy

The documents below are of special note concerning Italian inland transport security:

First, **Una proposta di articolazione dei Piani della Sicurezza Stradale Urbana**⁴⁴ discusses urban transport security. It proposes a system in which national agencies work closely with both provincial and communal offices. The coordination would permit a national strategy that could meet the specific needs of smaller regions. In addition, the local authority would be split into a department of the director and a department of implementation, the former dealing with financing and agenda and the latter with actual implementation of transport security. These agencies, in coordination with the national agency, would address the overall national transport security needs.

Second, **Le linee guida al Piano Nazionale della Sicurezza**,⁴⁵ published in 2000. This document outlines the general guidelines to a national security policy, with many of its recommendations addressing issues of the transport sector. The general guidelines are divided into the following categories:

- Creation of an environment of road security
- Support of activities to prevent, control, and repress behaviour that threatens road security
- Strengthening of frameworks to reduce the effect of incidents

Other transport specific issues:

- Enhanced levels of security for vehicles
- Utilization of the registry office for incidents
- Enhanced control of transport of dangerous materials
- Adherence to regulations
- Introduction of revised regulations for transport (safety and security)

Issues relating to infrastructure and traffic regulation:

- Clearer elaboration of regulations
- Improved flow of information
- Incentives for adherence and enhancement of sector

⁴⁴ Una Proposta Di Articolazione Dei Piani Della Sicurezza Stradale Urbana,
http://www.infrastrutturetrasporti.it/page/standard/mop_all.php?p_id=00724&PHPSESSID=8418b17cb80667d7198cac41d1b33fe4

⁴⁵ Le Linee Guida Al Piano Nazionale Della Sicurezza,
http://www.infrastrutturetrasporti.it/page/standard/mop_all.php?p_id=00596&PHPSESSID=54f848c0062c196243852b554385b29d

Latvia

Par bīstamo kravu pārvadājumu koordinēšanas, uzraudzības, drošības un aizsardzības jautājumu risināšanu⁴⁶ is a policy document adopted by the Latvian Cabinet of Ministers concerning dangerous goods transport coordination, monitoring, safety and security issues.

It reflects the current responsibilities of different institutions, underlining that there is no single policy at the state level and no coordination mechanism among all those institutions. The document also points out the risk of potential abuse of dangerous goods by terrorists, making security aspect more and more important. It mentions that Sweden, Netherlands, Germany, Norway, Belgium, France, Finland and Poland all have such coordination centres. They are responsible for the elaboration of legal and technical requirements for inland surface transportation of dangerous goods.

⁴⁶ Par bīstamo kravu pārvadājumu koordinēšanas, uzraudzības, drošības un aizsardzības jautājumu risināšanu, <http://ppd.mk.gov.lv/ui/DocumentContent.aspx?ID=4472>

Liechtenstein

The **Vertrag zwischen dem Fürstentum Liechtenstein, der Schweizerischen Eidgenossenschaft und der Republik Österreich über die grenzüberschreitende Zusammenarbeit der Sicherheits- und Zollbehörden**⁴⁷ emphasizes the security of supply chain. Specifically, it encourages greater control of illegal weapons, stolen merchandise, and money laundering. The report suggests greater controls at the country borders, especially of containers and goods originating from non-EU.

The **Verordnung vom 25. April 1995 über das Amt für Handel und Transport**⁴⁸ includes the responsibilities of the Bureau of Transport and Goods such as the development of regulations for inland transport, regulation of documentation of goods being transported, evaluation of the transport supply chain and evaluation of the inland transport situation for Liechtenstein.

The **Verordnung vom 3. März 1998 über den Transport gefährlicher Güter auf der Strasse (VTGGS)**⁴⁹ establishes that the RID guidelines are to be utilized for international rail transport, the CSC regulations are to be employed for international container transport, and the IBC guidelines for intermediate bulk container transport. Also, the ADR regulations are instituted for road transport. This order requires companies to take responsibility for the safety and security of their inland transport operations and demands that all incidents occurring during transport be reported to the associated agency.

The **Gesetz vom 22. Juni 2006 über die Zulassung als Strassentransportunternehmen und die grenzüberschreitenden Personen und Gütertransporte auf der Strasse (Strassentransportgesetz; STG)**⁵⁰ requires companies involved in transport to strictly enforce established regulations.

⁴⁷ The Vertrag Zwischen Dem Fürstentum Liechtenstein, Der Schweizerischen Eidgenossenschaft Und Der Republik Österreich Über Die Grenzüberschreitende Zusammenarbeit Der Sicherheits- Und Zollbehörden,
http://www.gesetze.ch/sr/0.360.163.1/0.360.163.1_000.htm

⁴⁸ The Verordnung Vom 25. April 1995 Über Das Amt Für Handel Und Transport,
http://www.gesetze.li/get_pdf.jsp?PDF=1995112.pdf

⁴⁹ The Verordnung Vom 3. März 1998 Über Den Transport Gefährlicher Güter Auf Der Strasse (Vtgg),
http://www.gesetze.li/get_pdf.jsp?PDF=1998057.pdf

⁵⁰ The Gesetz Vom 22. Juni 2006 Über Die Zulassung Als Strassentransportunternehmen Und Die Grenzüberschreitenden Personen Und Gütertransporte Auf Der Strasse (Strassentransportgesetz; Stg),
http://www.gesetze.li/get_pdf.jsp?PDF=2006185.pdf

Luxembourg

The Loi du 24 décembre 1999 relative aux conseillers à la sécurité pour le transport par route, par rail ou par voie navigable de marchandises dangereuses⁵¹ addresses numerous issues of inland transport security. Most notably, it provides a legislative basis for the creation of a security advisor. This advisor is responsible for facilitating the transport of dangerous materials according to regulations and to ensure conditions for optimal security. The post of security advisor shall be maintained as a permanent position within the company (and not as an external source of expertise), and the nominee shall report directly to the head of the company. Only candidates who have attained the necessary qualifications can be authorized to work with the transport of dangerous materials as security advisors.

The law further outlines the responsibilities of the security advisor, summarized as follows:

- To verify and review the regulations utilized in the transport of dangerous materials.
- To provide advice to the company, to be considered before making decisions on acts concerning dangerous materials.
- To enact emergency procedures concerning dangerous materials when necessary.
- To evaluate the risks involved with the transport of dangerous materials.
- To verify personnel and staff working for a company transporting dangerous materials.

Finally, the law outlines the certification of the security advisor and how that certification is to proceed.

The Règlement grand-ducal du 31 janvier 2003 sur les transports par route de marchandises dangereuses, modifié par celui du 3 mars 2004⁵² harmonizes the classification of dangerous materials in Luxembourg with those of the United Nations. The law also specifies that documentation concerning the goods must be kept with dangerous materials shipment and that any report of accident must be made in either French or German. Finally, the law outlines the responsibilities of the transporter and the receiver of the shipment.

⁵¹ The Loi Du 24 Décembre 1999 Relative Aux Conseillers À La Sécurité Pour Le Transport Par Route, Par Rail Ou Par Voie Navigable De Marchandises Dangereuses,
http://www.legilux.public.lu/leg/textescoordonnes/codes/code_route/MARCHANDISES_DANGEREUSES.pdf

⁵² The Règlement Grand-Ducal Du 31 Janvier 2003 Sur Les Transports Par Route De Marchandises Dangereuses, Modifié Par Celui Du 3 Mars 2004, <http://www.snppl.lu/CDR/Rg31012003.pdf>

Malta

The *Malta Transport Authority Annual Report*⁵³ states that the ADR regulations were adopted in 2005.

*The Cargo Clearance and Transport Act*⁵⁴ refers to regulations on cargo transport and customs, but no specific reference to security is made. Licensing of personnel is addressed, however.

The Malta Transport Authority Act provides for the creation of the Malta Transport Authority. The Act specifies that the agency has authority over the regulation, management, safety and control of roads and over traffic and transport of persons and goods. No other reference to transport security is made.

*The Public Transport (Regulation of Employment) Act*⁵⁵ makes no reference to transport security.

*The Public Procurement of Entities Operating in the Water, Energy, Transport and Postal Services Sectors Regulations*⁵⁶, a policy dealing with the acquisition of certain transport related entities, provides for security in so far as declaring that contracts requiring security measures, or having to do with security regulations, are excluded from the document's regulations. No other reference to transport security is made.

The *Traffic Regulation Ordinance* makes no reference to security of transport lines.

⁵³ Malta Transport Authority Annual Report, <http://www.maltatransport.com/en/upannualreports/2006annualreport.pdf>

⁵⁴ Act on Transport of Dangerous Goods

⁵⁵ The Government Decree of Transport of Dangerous Goods by Road of 2002

⁵⁶ The Government Decree of Transport of Dangerous Goods by Rail

Monaco

Loi n° 1.264 du 23 décembre 2002 relative aux activités privées de protection des personnes et des biens,⁵⁷ a document that is indirectly related to transport security, authorizes those in charge of security of private property to be armed.

⁵⁷ Loi N° 1.264 Du 23 Décembre 2002 Relative Aux Activités Privées De Protection Des Personnes Et Des Biens, <http://www.monaco.gouv.mc/Dataweb/Jourmon.nsf/966e69337756d51ac12568c40037f872/8bd3b2fea02f279cc1256ca0057ac15!OpenDocument&Highlight=2,transport,sécurité>

Montenegro

No legislation concerning transport security regulations, initiative or legislation could be located.

Norway

Norwegian law defines regulations and procedures in railway transport, ensuring adequate security measures in order to maximise the level of security on all Norwegian railroads. These regulations include:

- Systematic investigations into the railway system to make sure security measures are implemented appropriately
- Applying thorough screening processes to individuals who seek positions in the railway system
- Undertaking risk assessments after changes in their system, which could influence accident levels
- Provision of clear security rules to all personnel
- Annual reports done by railway companies for the government to illustrate future aims, possible failures in their security measures/system and internal assessments
- Creation of entities to enforce security measures

Poland

Poland has witnessed a decline in the reliance on inland modes of transport as recorded by the report **Transport Situation in Poland in 2005**.⁵⁸ The report notes a variety of obstacles to transport development, including low levels of road transport safety, inefficiency in road administration, obsolete and underdeveloped transport infrastructure, inefficient rail transport and an old transport fleet.

The **National Security Strategy of the Republic of Poland**⁵⁹ report addresses inland transport security indirectly. Poland, in attempts to maintain strong ties with its neighbouring states, is developing a number of logistics centres throughout the country. The impact of these on transport security is unknown. The document also conveys an aspiration for a better communications system, including an efficient and secure government information infrastructure. Such an information infrastructure will likely be of great benefit to transport security.

⁵⁸ Transport Situation in Poland in 2005, <http://www.unece.org/trans/doc/transsitdocs/2005poland.pdf>

⁵⁹ National Security Strategy of the Republic of Poland, <http://merln.ndu.edu/whitepapers/Poland-2003.pdf>

Portugal

The **Intervenção sobre infra-estruturas de Transportes**⁶⁰ allocates 53 million Euros to a new technological plan which includes video surveillance, inter-modality facilitation of the transport infrastructure, and security improvement.

The report of the **Congresso Nacional do Transporte Ferroviário**⁶¹ describes current policy as focusing on the increasing rail transport security as well as interoperability with rail systems in the EU system.

The **Comunicado do Conselho de Ministros de 27 de Maio de 2003**⁶² emphasizes the need to harmonize and enhance the quality of existing legislation concerning rail transport.

The document **Apresentação das Orientações Estratégicas para o Sector Ferroviário**⁶³ identifies the need to raise levels of security, efficiency and punctuality of rail transport. Increased rail transport security can be achieved through the enhancement of administrative, technical and operational foundations.

⁶⁰ Intervenção Sobre Infra-Estruturas De Transportes,

http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20050706_moptc_int_set_infraestruturas_transportes.htm

⁶¹ Congresso Nacional Do Transporte Ferroviário,

http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20061109_moptc_int_set_transportes_ferrovuario.htm

⁶² Comunicado Do Conselho De Ministros De 27 De Maio De 2003,

[http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais...lho_de_ministros/comunicados_e_conferencias_de_imprensa/20030527.htm](http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/lho_de_ministros/comunicados_e_conferencias_de_imprensa/20030527.htm)

⁶³ Apresentação Das Orientações Estratégicas Para O Sector Ferroviário,

http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20061028_moptc_int_set_estrategia_ferrovitaria.htm

Romania

The Emergency Ordinance of July 7, 1998⁶⁴ provides for the reorganization of Romanian railways in an attempt to align Romanian rail procedures and technology with the European rail system in terms of compatibility and interoperability. According to this document, security is assigned to the various rail companies involved in transport. In addition to complying with various rail regulations, the companies must organize their own security and order structures, in accordance with the law.

The National Security Strategy of Romania of 2005⁶⁵ considers possible security threats to the transport framework, and stating that: “Romania reasserts its willingness to participate, alongside the international community, in the fight against international terrorism and it will permanently decide on the most appropriate means to counter it.”

This policy document then outlines a series of factors which might compromise domestic security, including:

- Prevailing economic, financial, and social problems generated by prolonged transition and delayed structural reforms
- Increased corruption and mismanagement of public resources, resulting in deeper social inequities and underground economy proliferation
- Inefficient responses of the state institutions to the acute stage reached by economic crime and the disturbance of public order and citizen safety
- Non-observance of environmental norms in industrial facilities’ operations, spurring the likelihood of ecological disasters, natural catastrophes and environmental degradations occurring
- Disparities in the development of the country’s regions
- Migration of specialists from various technological domains, a phenomenon that affects the development potential of Romanian society

⁶⁴ The Emergency Ordinance of July 7, 1998,
[http://GOVERNMENT%20EMERGENCY%20ORDINANCE%20No.%2012%20/1998%20\(r1\)](http://GOVERNMENT%20EMERGENCY%20ORDINANCE%20No.%2012%20/1998%20(r1))

⁶⁵ The Official National Security Strategy of Romania of 2005,
<http://merln.ndu.edu/whitepapers/RomaniaNationalSecurity.pdf>

Russian Federation

Federal Law № 16-ΦЗ from February 9, 2007 **On Transport Security** provides the legal framework for the creation of a common State transport security system in the Russian Federation.

Transport security measures are aimed at ensuring stable and secure functioning of the transport sector, protecting the transportation interests of individuals, the public and the State from unlawful interference. The basic functions of the common state transport security system are:

- Elaboration of State policy in the sphere of transport security
- Coordination of activity of the authorities of all transportation modes in the implementation of State policy in transport security
- Effective allocation of State financial and material resources given for the establishment and effective performance of the common State transport security system
- Coordination and control of planning and implementation of transport security measures on all transportation modes
- Methodic and organizational management of processes of categorization and vulnerability assessment of objects of transport infrastructure and means of transport on all transportation modes, composition of a register of categorized objects of transport infrastructure for all modes of transport
- Elaboration of transport security requirements taking into account levels of security for different categories of objects of transport infrastructure and transportation means
- Establishment and operation of the common State transport security information system which includes the automated passenger personal information database of all modes of transport
- Establishment and operation of the automated system of monitoring of transport security condition and control of compliance with transport security requirements of all modes of transport
- Establishment and operation of the transport emergency response system in cooperation with other relevant federal bodies
- Establishment of a system of training and supervision of personnel dealing with transport security of all modes of transport
- Coordination of activity of the Ministry of Transport of the Russian Federation and its subsidiary Federal Agencies in the sphere of transport security with other relevant federal bodies in this sphere
- International cooperation in the sphere of transport security.

Serbia

Serbia's description of its border control⁶⁶ implies that certain locations need more attention in order to bring infrastructure to desired levels of functionality, particularly along the border of former Yugoslav republics. More clearly defined codes of rights for entrants and border guards also need more attention.

⁶⁶ Integrated Border Management Strategy in the Republic of Serbia,
http://www.srbija.sr.gov.yu/uploads/documents/strategy_border.pdf

Slovak Republic

The self defined mission of the Slovak Republic's security policy is to actively exert influence with a view to protect, promote, safeguard, defend and assert the security interests of the country. **The Security Strategy of the Slovak Republic**⁶⁷ describes the security interests of the Slovak Republic as:

- Guaranteeing the security of its citizens and protecting their human rights and fundamental freedoms
- Guaranteeing its territorial integrity, sovereignty, inviolability of borders, political independence, and identity
- Developing democracy, rule of law, and a market economy
- Creating prerequisites for sustainable economic, social, environmental, and cultural development
- Strengthening strategic transatlantic partnership, co-guaranteeing the security of its allies
- Improving effectiveness of international organizations of which the Slovak Republic is a member and supporting NATO and EU enlargement
- Developing good relations and mutually beneficial cooperation with countries of common interests with the Slovak republic
- Contributing to strengthening and expanding freedom and democracy, respect for human rights, rule of law, international law, peace and stability in the world

The **Security Strategy of the Slovak Republic** declares that the Slovak Republic will adopt measures to reduce the vulnerability of critical infrastructure, in particular, communication systems. The country will jointly formulate and implement the common foreign and security policy of the EU and it will contribute to the implementation of the European integration objectives.

⁶⁷ Security Strategy of the Slovak Republic, <http://www.mosr.sk/dokumenty/eng/sk-security-strategy-2005.pdf>

Slovenia

In **Measures to Strengthen International Co-Operation in Nuclear, Radiation and Waste Safety**,⁶⁸ under the section “Safety of Transport of Radioactive Materials”, Slovenia was reported as requesting assistance in carrying out an appraisal of its implementation of the transport regulations. In June 1999, a three-man TranSAS team visited Ljubljana and evaluated Slovenia's legislative framework for the transport of radioactive materials and the associated division of responsibilities among competent authorities, approval procedures, and inspection and emergency preparedness arrangements.

⁶⁸ Measures to Strengthen International Co-Operation in Nuclear, Radiation and Waste Safety, <http://www.iaea.org/About/Policy/GC/GC43/Documents/gc43-9.html>

Spain

Spain has a variety of legislative instruments designed to address the transport of dangerous goods and risks associated with that transport. The **Real Decreto 387/1996, de 1 de Marzo**,⁶⁹ among other measures, creates a national committee to co-ordinate to address the problems associated with the transport.

The **Directriz Basica de Planificacion de Proteccion Civil ante el Riesgo de Accidentes en los Transportes de Mercancias Peligrosas por Carretera y Ferrocarril**⁷⁰ provides for improved mapping of terrain and waterways, to be used in case of an accident or emergency. It proposes a state plan of action to address risk in transport, but also calls for communities and sub-national government organizations to address the possibility of emergencies arising in their respective geographic locations.

The **Real Decreto 551/2006, de 5 de Mayo**⁷¹ further regulates the operations of transport carriers, concentrating on personnel and technical regulations to be applied to inland transport. It applies the ADR standards to inland transportation of dangerous goods.

⁶⁹ Real Decreto 387/1996, De 1 De Marzo, Por El Que Se Aprueba La Directriz Básica De Planificación De Protección Civil Ante El Riesgo De Accidentes En Los Transportes De Mercancias Peligrosas Por Carretera Y Ferrocarril, http://noticias.juridicas.com/base_datos/Admin/rd387-1996.html

⁷⁰ Directriz Basica De Planificacion De Proteccion Civil Ante El Riesgo De Accidentes En Los Transportes De Mercancias Peligrosas Por Carretera Y Ferrocarril, <http://www.proteccioncivil.org/centrodoc/legisla/Dbasica6.pdf>

⁷¹ Real Decreto 551 2006, De 5 De Mayo, Por El Que Se Regulan Las Operaciones De Transporte De Mercancias Peligrosas Por Carretera En Territorio Español. (B.O.E N° 113, De 12 De Mayo De 2006), http://www.proteccioncivil.org/centrodoc/legisla/rd551_2006.pdf

Sweden

The Swedish government tries to ensure that each employee is capable of fulfilling its duties effectively. This approach is especially emphasized for employees responsible for train security and rail infrastructure. Employees are monitored regularly and subject to frequent medical check-ups. The government has legislated that any problem is to be reported immediately to authorities so that the risk of accidents or danger to either staff or passenger is diminished.

The Swedish government manages the transportation of dangerous goods by focusing on safety standards for employees and the safety of the goods being transported. Swedish law classifies explosives separately from dangerous goods. Extraordinary requirements include having GPS tracking systems in vehicles transporting explosives, in case they are stolen, and requiring the destruction of any explosive if it is found not to conform to the established guidelines for explosive cargo.

Switzerland

A document from the Swiss Parliamentary site concerning the **Transport of Dangerous Goods**⁷² states that the cantons are responsible for any disasters relating to inland transport. Commentary relating to tunnel security is also included.

The **International CIIP Handbook**⁷³ discusses critical sectors of security in Switzerland, including transport. It describes a security policy report of 2000, in which the Swiss Federal Council recognizes the CIP⁷⁴/CIIP as a goal of its security policy. The Swiss government report stated, “The federal council’s primary objective regarding security of this infrastructure is to maintain Switzerland’s ability to decide and act.”

⁷² Einfache Anfrage. Transport Gefährlicher Güter,
http://www.parlament.ch/afs/data/d/gesch/1986/d_gesch_19860729_002.htm

⁷³ International Ciip Handbook, http://cms.isn.ch/public/docs/doc_454_290_en.pdf

⁷⁴ Critical Infrastructure Protection

Turkey

The **National Report on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects for Turkey**⁷⁵ notes that the country instituted procedures aimed at maximizing transport security for small arms and light weapons. According to the existing legislation, providers and recipients of SALW and related confidential information, documents or equipments, should take necessary physical security measures during transportation. Transportation plans must be approved by the Ministry of National Defense. For security reasons, small arms and light weapons and related ammunition are transported separately. At the national level, customs officials and security forces assume an important role in implementing the Program of Action through institutional information exchange, training schemes of personnel and records of all small arms and light weapons transport transactions.

The **Land Transportation Sector in Turkey of 2004**⁷⁶ report gives a short list of current legislations and regulations. The report notes that new legislation that has been introduced markedly improved the inland transport system:

- A good reputation, professional competence and financial standing are now the criteria for access to the sector as opposed to the previous system when there were no such clear criteria
- The *Road Transport Law Nr. 4925* stipulates penalties for certain infringements, whereas previously there was no legal support for applying administrative penalties
- Statistical data suitable for EU harmonization processes will be compiled and made available
- The rights of passengers and individual customers are now presented in legislative form
- Complete laws relating to goods and passenger terminals have been established

The **Review of the Transport Situation in UNECE Member Countries and of Emerging Development Trends of 2007**⁷⁷ gives more information into the transport sector in Turkey. It notes that renovation of transport infrastructure has been a priority lately. Although initiatives to strengthen road regulations were introduced, restoration works on border crossings, facility and increased speed of passage, and track maintenance have been the most recent focus for the transport sector.

⁷⁵ National Report on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects April 2005 for Turkey, <http://disarmament2.un.org/cab/nationalreports/2005/Turkey%20SALW%20%202005.pdf>

⁷⁶ Land Transportation Sector in Turkey, <http://www.cemt.org/topics/road/Istanbul04/DericiE.pdf>

⁷⁷ Review of the Transport Situation in UNECE Member Countries and of Emerging Development Trends of 2007, <http://www.unece.org/trans/doc/2007/itc/ECE-TRANS-2007-05e.doc>

Ukraine

The Law of Ukraine "**Transportation of Dangerous Goods**" done on 6 April 2000 and came into force on 6 April 2000.

The basic aspects:

- Determination of legal, organizational, social and economic aspects of activity associated with carriage of dangerous goods by railway, river, highway and air transport;
- Implementation of requirements for radiation, fire and environmental safety, human health advocacy, on-the-job safety and well-being of population and safety on traffic;
- Establishment of standards, works and services requirements for the transportation of dangerous goods; compliance control of carriage conditions; creation of the harm responsibility insurance system, which can be caused by the dangerous goods` transportation;
- Social providing of workers, who perform the transportation of dangerous goods, and persons suffering from the mentioned transportation;
- Standardization and certification in the field of transportation of dangerous goods;
- Rights and obligations of parties of dangerous goods transportation;
- Government control and government safety regulation in the field of dangerous goods transportation.

The Law of Ukraine "**Antiterrorist Protection**" done on 20 March 2003 and came into force on 20 March 2003.

The basic aspects:

Basic principles of antiterrorist protection:

- Legality and observance of human and citizens rights;
- Exercising legal, political, social - economic, informative and other feasibilities of preventive events;
- Inevitability of punishment in case of participating in terrorist attacks;
- Priority of life and rights defence for persons who are in danger as a result of terrorist attacks;
- Combination of public and secret methods of antiterrorist protection;
- Nondisclosure information about technique and tactic constrictions of antiterrorist protection and also about entry list;
- Undivided authority in guidance by forces and facilities which are attracted for antiterrorist operations;
- Cooperation in the field of antiterrorism protection with the foreign states, their law-enforcement agencies and special services, and also with the international organizations which make antiterrorism protection.

- Protection of the person, the state and society against terrorism, revealing and elimination of the reasons and conditions which generate it;
- Powers and duties of executive body, the organizations, authorities and separate citizens in the field of antiterrorism protection, the order of coordination of their activity;
- Guarantees of legal and social protection of citizens in connection with participation in against terrorism;
- The international cooperation in the field of antiterrorism protection.

United Kingdom

The **Statutory Instrument 1994 No. 570: The Channel Tunnel (Security) Order 1994**⁷⁸ defines security violations in the Channel Tunnel in strict terms. It spells out what constitutes as hijacking of a Channel Tunnel train, seizing control of any other part of the Channel Tunnel system, damaging any part of it, or placing items on the train that will endanger its operation, each of which carries a maximum penalty of imprisonment for life.

The **Regulatory Impact Assessment concerning the Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment (Amendment) Regulations 2005, Security requirements**⁷⁹ elaborates on other aspects of security policy. It establishes that new security measures will require carriers to be “properly identified”, that transit sites containing dangerous goods are to be made secure, and that security training must be provided to personnel.

The **Railways and Transport Safety Act 2003**⁸⁰ notably creates a police authority for the British Transport Police Force, transferring responsibility for the BTP from the Strategic Rail Authority ("SRA") and existing BTP Committee to the new police authority. It also gives the BTP a wholly statutory, rather than part-statutory and part-contractual, jurisdiction over the railways.

The **Transport Security Directorate (TRANSEC) Annual Report to Secretary of State for Transport April 2006 - March 2007**⁸¹ provides for domestic rail and underground security. It states that revised requirements for station operators and new instructions to train operators will be issued. The current work builds on lessons learned from the 7 July 2005 London bomb attacks and the methods used by international terrorists, whilst also taking into account obvious constraints and practical difficulties in securing an open, mass-transit system like the railways. The report further notes that revised security advice for domestic rail freight carriers has been undertaken, and security guidance to the seven light rail operators has been issued. TRANSEC has continued its close working relationship with the British Transport Police, and has clarified the respective roles and responsibilities of the organizations in countering terrorism through a new document, the high level statement on “the roles of TRANSEC and BTP in countering terrorism;” and through a revised strategic framework document, “counterterrorism policing within the mass transit rail environment”.

⁷⁸ Statutory Instrument 1994 No. 570: The Channel Tunnel (Security) Order 1994, http://www.opsi.gov.uk/si/si1994/Uksi_19940570_en_1.htm#end

⁷⁹ Regulatory Impact Assessment Concerning the Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment (Amendment) Regulations 2005, Security Requirements, <http://www.dft.gov.uk/consultations/aboutria/ria/carriageofdangerousgoodsandu5506> (open in Acrobat)

⁸⁰ The Railways and Transport Safety Act 2003, http://www.opsi.gov.uk/acts/en2003/ukpgaen_20030020_en.pdf

⁸¹ Transport Security Directorate (TRANSEC) Annual Report to Secretary of State for Transport April 2006 - March 2007, <http://www.dft.gov.uk/pgr/security/about/transsecannualreport067> (open in Acrobat)

United States of America

The Department of Homeland Security Border and Transportation Security Directorate; Notice of 30-Day Information Collection Under Review for United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT)⁸² is provided here as notice of an intended program, gathering biometric information from non-immigrant visa holders. The intent is to monitor travellers using machine readers installed at all ports of entry, allowing better tracking of individuals and better allocation of human resources through the use of technology.

The **National Infrastructure Protection Plan**⁸³ was designed to build a safer, more secure, and more resilient America by enhancing protection of the nation's critical infrastructure and key resources (CI/KR) to prevent, deter, neutralize, or mitigate the effects of deliberate efforts by terrorists to destroy, incapacitate, or exploit them; and to strengthen national preparedness, timely response, and rapid recovery in the event of an attack, natural disaster, or other emergency. The plan is designed to achieve this by:

- Coordinating risk-based CI/KR plans and programs addressing known and potential threats and hazards
- Creating structures and processes that are flexible and adaptable to incorporate operational lessons learned and best practices and quickly adapt to a changing threat or incident environment
- Placing processes to identify and address dependencies and interdependencies to allow for more timely and effective implementation of short-term protective actions and more rapid response and recovery, and
- Granting access to robust information-sharing networks that include relevant intelligence and threat analysis and real-time incident reporting.

The **Sensitive Security Information and Transportation Security: Issues and Congressional Options**⁸⁴ analysis of 2004 provides background information on and analysis of issues concerning the SSI regulations. Additionally, it identifies the transportation security and information issues at the heart of this debate. Finally, the report outlines and assesses policy options for Congress, including endorsing current regulations, giving greater specificity to TSA's protection requirements, setting time limits for protection, creating an advisory commission, requiring periodic congressional briefings, or establishing an oversight board.

⁸² DEPARTMENT OF HOMELAND SECURITY, Border and Transportation Security Directorate; Notice of 30-Day Information Collection Under Review for United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-4475.htm>

⁸³ National Infrastructure Protection Plan http://www.dhs.gov/xlibrary/assets/NIPP_Plan.pdf

⁸⁴ Sensitive Security Information and Transportation Security: Issues and Congressional Options <http://www.firstamendmentcenter.org/pdf/CRS.security2.pdf>

The **Standard Protocols for Managing Security Incidents Involving Surface Transit Vehicles**⁸⁵ are mainly directed towards the transit vehicle operator. They address inspection of transit vehicles to prevent the placement of an explosive device or hazardous substance, list circumstances that may constitute a terrorist attack and illustrate measures to be taken when responding to a possible terrorist attempt. The focus is identification of a threat and a quick neutralization of that threat, including detailing warning signs and clear guidelines to be followed in the case of a positive identification of a terrorist attack.

The **National Security and Homeland Security Presidential Directive**⁸⁶ establishes a comprehensive national policy on the continuity of Federal Government structures and operations and a single National Continuity Coordinator responsible for coordinating the development and implementation of Federal continuity policies. This policy establishes "National Essential Functions," prescribes continuity requirements for all executive departments and agencies and provides guidance for State, local, territorial, and tribal governments and private sector organizations.

The proposed **Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes**⁸⁷ proposes to establish minimum standards for State-issued driver's licenses and identification cards that Federal agencies would accept for official purposes after 11 May 2008, in accordance with the REAL ID Act of 2005. This rule proposes standards to meet the minimum requirements of the REAL ID Act of 2005, including: information and security features that must be incorporated into each card; application information to establish the identity and immigration status of an applicant before a card can be issued; and physical security standards for locations where driver's licenses and applicable identification cards are issued.

The **Surface Transportation and Rail Security Act of 2007**⁸⁸ is designed to improve security of the railway transport infrastructure throughout the United States. It is divided into two subsections. The first, Improved Rail Security, provides for:

- A rail transportation security risk assessment
- System wide Amtrak security upgrades
- Fire and life-safety improvements
- Freight and passenger rail security upgrades
- Rail security research and development
- Oversight and grant procedures

⁸⁵ Standard Protocols for Managing Security Incidents Involving Surface Transit Vehicles <http://transit-safety.volpe.dot.gov/Security/pdf/standards.pdf>

⁸⁶ National Security and Homeland Security Presidential Directive
<http://www.whitehouse.gov/news/releases/2007/05/20070509-12.html>

⁸⁷ Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes http://ciir.cs.umass.edu/cgi-bin/ua/web_fetch_doc?dataset=ua&db=agendaFall2006&query=and&doc_id=49

⁸⁸ Surface Transportation and Rail Security Act of 2007 http://rpc.senate.gov/_files/L4S184RailSecurityPL.pdf

- Amtrak plan to assist families of passengers involved in rail accidents
- A northern border rail passenger report
- A rail worker security training program
- A whistleblower protection program
- High hazard material security threat mitigation plans
- Enforcement authority authorization for DHS and TSA
- Rail security enhancements
- Plans to increase public awareness and
- Railroad high hazard material tracking.

The second subsection is Improved Motor Carrier, Bus, and Hazardous Material Security, consisting of:

- Hazardous materials highway routing
- Motor carrier high hazard material tracking
- Hazardous materials security inspections and enforcement
- A truck security assessment
- A national public sector response system
- Over-the-road bus security assistance
- A pipeline security and incident recovery plan, and
- A pipeline security inspections and enforcement.

The **Transit Security Design Considerations**⁸⁹ regulate vehicle design in consideration of security against attack. The design specifications are based on a "systems approach" that encompasses all aspects of an organization: the people, the processes, the equipment and the technology. Although this document offers security design strategies for each major element of a transit system - access management, communications, infrastructure, and vehicles - it does so in a context of interdependence, where each element is part of a much larger whole. It is this interdependence that makes the protection of a transit system complex and challenging, as the entire system needs to be considered and secured simultaneously. An inclusive view also recognizes that public transit systems are linked to other elements of the transportation network not only physically, but also through an intricate network of technology, law, and regulation.

The Considerations outline aspects of vehicle design and site management, identifying possible threats at various levels of transport. Among its factors are:

- Potential threats to transit vehicles
- Explosives placed on or under a vehicle
- Armed assault on board a vehicle
- Attack by another vehicle
- Chemical, biological, or radiological release on a vehicle.

⁸⁹ Transit Security Design Considerations <http://transit-safety.volpe.dot.gov/security/SecurityInitiatives/DesignConsiderations/CD/ftasesc.pdf>

Additionally, it evaluates previous transport security related scenarios to identify past problems to be addressed by future design.

The **National Strategy for Homeland Security, Border and Transportation Security**⁹⁰ subsection, provides the major initiatives of the National Strategy adopted by the Department of Homeland Security. These include ensuring accountability in border and transportation security, creating “smart borders”, increasing the security of international shipping containers and reforming immigration services. The “National Vision” is also defined in this document: the Department of Homeland Security will manage who and what enters our homeland in order to prevent the entry of terrorists and the instruments of terror while facilitating the legal flow of people, goods, and services on which our economy depends.

The **New York Anti-Terrorism Act of 2001**⁹¹ is designed to amend the penal law and the criminal procedure law in relation to criminal penalties for a crime of terrorism, soliciting or providing support for an act of terrorism, terrorist threats, and the hindering of terrorism prosecution and to repeal certain provisions of the criminal procedure law relating thereto. It outlines the legal ramifications of activities relating to terrorism, including soliciting or providing support for an act of terrorism, making a terrorist threat, hindering prosecution of terrorism, or committing an act of terrorism. Recognizing the importance of individual States to take action against terrorism, the ultimate goal of the Act is to complement federal laws in the fight against terrorism and to better protect all citizens against terrorist deeds.

The Critical Incident Management Guidelines⁹² have been designed to provide practical assistance to transit personnel with responsibility for planning, managing, and recovering from emergencies and disasters. Definitions and characteristics of these events and their impact on organizations and systems are provided. The evolution of emergency management in the transit environment is detailed, and specific emergency management tools are explained.

Response to terrorism is divided into two components: crisis management and consequence management. Crisis management is defined as measures to resolve the hostile situation, investigate and prepare a criminal prosecution, including measures to confirm a threat and steps toward interdiction or preventing a terrorist attack. Consequence Management is defined as measures to alleviate the damage, loss, and hardship or suffering caused by emergencies. These include actions to restore essential services, protect public health and safety and provide emergency relief to affected State and local governments.

Terrorist incidents in the transport setting are classified as intentional disasters. The response, scene management, resource management, and emergency measures employed in the "consequence

⁹⁰ National Strategy For Homeland Security, Border and Transportation Security
http://www.whitehouse.gov/homeland/book/nat_strat_hls.pdf

⁹¹ New York Anti-Terrorism Act of 2001
http://www.security.state.ny.us/legislation_files/antiterror%20act%20of%202001.pdf

⁹² The Critical Incident Management Guidelines
<http://onlinepubs.trb.org/onlinepubs/security/FinalCrisisManagementGuidelines.pdf>

management" of terrorist incidents are similar to those encountered in conventional disasters. These similarities form a basis for formulating response and building response skills. Risk assessment and threat management are also addressed, with the guidelines suggesting that transit systems must develop and maintain effective mechanisms for addressing terrorist threats and actual incidents. Procedures for response to threats and for safe search and evacuations are given as are procedures for detecting different forms of attack.

The **National Infrastructure Protection Plan**⁹³ provides the coordinated approach to establish national priorities, goals and requirements for critical infrastructure protection so that Federal funding and resources are applied in the most effective manner to reduce vulnerability, deter threats, and minimize the consequences of attacks and other incidents. It establishes the overarching concepts relevant to all critical infrastructure sectors and addresses the physical, cyber, and human considerations required for effective implementation of comprehensive programs. The plan specifies the key initiatives, milestones, and metrics required to achieve the Nation's critical infrastructure protection mission. It sets forth a comprehensive risk management framework and clearly defined roles and responsibilities for the Department of Homeland Security; Federal Sector-Specific Agencies; and other Federal, State, local, tribal, and private sector security partners.

The National Infrastructure Protection Plan was developed through extensive coordination with security partners at all levels of government and the private sector. The processes described herein can be adapted and tailored to sector and individual security partner requirements. Participation in the implementation of the plan provides the government and the private sector with the opportunity to use collective expertise and experience to more clearly define protection issues and practical solutions, and to ensure that existing critical infrastructure protection planning efforts, including business continuity and resiliency planning, are recognized.

To support on-going implementation of State Safety Oversight security requirements, FTA has prepared the **Transit Security Handbook**.⁹⁴ This Handbook provides a comprehensive description of the system security process. It gives an overview of:

- The rail security function, including the development of a State Security Oversight Program
- The establishment of a rail transit police or security department
- The development of a System Security Program Plan
- The deployment of uniformed and plainclothes police and security personnel
- Crime Prevention through Environmental Design and Situation Crime Prevention techniques for rail facility design and operation
- The use and management of security technology, and techniques for crime data collection and analysis.

⁹³ National Infrastructure Protection Plan http://www.dhs.gov/xlibrary/assets/NIPP_Plan.pdf

⁹⁴ Transit Security Handbook <http://onlinepubs.trb.org/onlinepubs/security/TransitSecurityHandbook.pdf>

The **Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001**⁹⁵ is an all-encompassing act designed to combat terrorism on American soil and internationally. The Act has ten titles, each containing numerous sections:

- Title I: Enhancing Domestic Security against Terrorism deals with measures that counter terrorism (Secretary of Homeland Security)
- Title II: Enhanced Surveillance Procedures gave increased powers of surveillance to various government agencies and bodies. There were 25 sections, with one of the sections containing a sunset clause (Directorate of Information Analysis and Infrastructure Protection)
- Title III: International money laundering abatement and anti-terrorist financing act of 2001 (Secretary of Homeland Security)
- Title IV: Protecting the border (Directorate of Border and Transportation Protection)
- Title V: Removing obstacles to investigating terrorism
- Title VI: Providing for victims of terrorism, public safety officers and their families
- Title VII: Increased information sharing for critical infrastructure protection
- Title VIII: Strengthening the criminal laws against terrorism
- Title IX: Improved intelligence
- Title X: Miscellaneous.

The Act dramatically expanded the authority of U.S. law enforcement agencies for the stated purpose of fighting terrorism in the United States and abroad. Among its provisions, the Act increased the ability of law enforcement agencies to search telephone and e-mail communications and medical, financial, and other records; eased restrictions on foreign intelligence gathering within the United States; expanded the Secretary of the Treasury's authority to regulate financial transactions, particularly those involving foreign individuals and entities; and enhanced the discretion of law enforcement and immigration authorities in detaining and deporting immigrants suspected of terrorism-related acts. The Act also expanded the definition of terrorism to include "domestic terrorism", thus enlarging the number of activities to which the Patriot Act's expanded law enforcement powers can be applied.

The **Homeland Security Act of 2002 Summary of Legislation to Establish a Department of Homeland Security** creates a Department of Homeland Security, at cabinet level, to plan, coordinate, and integrate U.S. Government activities relating to homeland security, including border security, intelligence and critical infrastructure protection, emergency preparedness and response, and science and technology.

⁹⁵ Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 <http://www.epic.org/privacy/terrorism/hr3162.html>

The Directorate of Border and Transportation Protection (Title IV) shall be headed by an Under Secretary appointed by the President and confirmed by the Senate. The Directorate shall be responsible for securing borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States, including coordinating governmental activities at ports of entry; and administering the duties of the entities transferred to the Directorate. Those entities are:

- The Customs Service (although some revenue functions will remain at Treasury)
- That portion of the Animal Plant and Health Inspection Service that governs agricultural import and entry inspections at points of entry
- The enforcement programs of the Immigration and Naturalization Service (which shall be organized into a separate Bureau of Border Security with responsibility for border patrol, inspections, detention, removal, and investigations)
- The Federal Law Enforcement Training Center of the Department of the Treasury
- The Transportation Security Administration (which must be maintained as a distinct entity within the Department for at least two years)
- The Office of Domestic Preparedness of the Department of Justice (which will also absorb the operations of the Office of National Preparedness in FEMA)
- The Federal Protective Service of the General Services Administration.

The **Electronic Code of Federal Regulations, TITLE 49—Transportation, SUBCHAPTER D--MARITIME AND LAND TRANSPORTATION SECURITY**⁹⁶ focuses on falsification of records and inspection of credentials of authorized persons. It classifies as unlawful any misrepresentation of credentials or utilization of unlawful access to systems. Personnel are also required to present their credentials upon request and are subject to verification of their identity. Owners and operators must prove compliance with this regulation.

The **Implementation of the 9/11 Commission Report Act**⁹⁷ is notable in that it requires an annual assessment to be given on the vulnerability of critical infrastructure. This report will compare specific sectors to their states the previous year. It will include the Secretary's explanations and comments on the greatest risks to critical infrastructure for each such sector, and the recommendations of the Secretary for mitigating such risks. This legislation also provides that the Secretary of Homeland Security shall establish a Strategic Transportation Security Information Sharing Plan, which shall ensure the robust development of tactical and strategic intelligence products for disseminating, to public and private stakeholders, security information relating to threats and vulnerabilities of transportation modes, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, and over-the-road bus transportation. The plan should specifically include a description of how intelligence analysts in the

⁹⁶ Electronic Code of Federal Regulations, TITLE 49—Transportation, SUBCHAPTER D--MARITIME AND LAND TRANSPORTATION SECURITY

http://www.tsa.gov/research/laws/regs/editorial_multi_image_with_table_0204.shtm

⁹⁷ Implementation of the 9/11 Commission Report Act http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:s2774pcs.txt.pdf

Transportation Security Administration are coordinating their activities with other intelligence analysts in the Department of Homeland Security and other Federal, State and local agencies; reasonable deadlines for completing any organizational changes within the Department of Homeland Security required to accommodate implementation of the plan; and a description of resource needs for fulfilling the plan.

The **Rail Transit Security and Safety Act of 2007**⁹⁸ provides for the security and safety of rail and rail transit transportation purposes. It requires a rail transportation security risk assessment, calls for a study of foreign rail transport security programs and security assistance grants, provides for rail security research and development and implements whistleblower protections for rail employees. It also calls for greater training of employees in terrorism prevention, passenger evacuation, and response activities.

⁹⁸ Rail Transit Security and Safety Act of 2007 <http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.534>:

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